

108TH CONGRESS  
1ST SESSION

# H. R. 1621

To provide environmentally sound, expedited procedures for the planning and implementation of hazardous fuels reduction activities for wild-fire prone National Forest System lands and lands administered by the Bureau of Land Management, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 2003

Mr. GEORGE MILLER of California (for himself and Mr. DEFAZIO) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide environmentally sound, expedited procedures for the planning and implementation of hazardous fuels reduction activities for wild-fire prone National Forest System lands and lands administered by the Bureau of Land Management, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Federal Lands Hazardous Fuels Reduction Act of  
6 2003”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Definitions.
- Sec. 3. Hazardous fuels reduction projects authorized.
- Sec. 4. Collaboration and public input process.
- Sec. 5. Expedited planning and implementation process.
- Sec. 6. Development of definitions of old and large trees.
- Sec. 7. Ongoing projects and existing authorities.
- Sec. 8. Preference to communities with fire prevention ordinances.
- Sec. 9. Sunset.
- Sec. 10. Authorization of appropriations.
- Sec. 11. Availability and use of Reforestation Trust Fund.

3 **SEC. 2. DEFINITIONS.**

4 (a) LAND TYPE AND FIRE REGIME DEFINITIONS  
 5 FROM FOREST SERVICE ROCKY MOUNTAIN RESEARCH  
 6 STATION.—In this Act:

7 (1) CONDITION CLASS 2.—The term “condition  
 8 class 2” refers to lands on which—

9 (A) fire regimes have been moderately al-  
 10 tered from their historical fire return intervals;

11 (B) there exists a moderate risk of losing  
 12 key ecosystem components; and

13 (C) vegetation attributes have been mod-  
 14 erately altered from their historical range.

15 (2) CONDITION CLASS 3.—The term “condition  
 16 class 3” refers to lands on which—

17 (A) fire regimes have been significantly al-  
 18 tered from their historical fire return intervals;  
 19 and

1 (B) there exists a high risk of losing key  
2 ecosystem components.

3 (3) FIRE REGIME I.—The term “fire regime I”  
4 refers to lands—

5 (A) on which historically there are low se-  
6 verity fires with a frequency of 0–35 years; and

7 (B) are located primarily in low elevation  
8 forests of pine, oak, and pinyon-juniper.

9 (4) FIRE REGIME II.—The term “fire regime  
10 II” refers to lands—

11 (A) on which historically there are stand  
12 replacement severity fires with a frequency of  
13 0–35 years; and

14 (B) are located primarily in low- to mid-  
15 elevation forests, rangelands, grasslands, or  
16 shrublands.

17 (5) FIRE REGIME III.—The term “fire regime  
18 III” refers to lands—

19 (A) on which historically there are mixed  
20 severity fires with a frequency of 35–100 years;  
21 and

22 (B) are located primarily in forests of  
23 mixed conifer, dry Douglas Fir, and wet Pon-  
24 derosa pine.

25 (b) OTHER DEFINITIONS.—In this Act:

1           (1) BEST VALUE CONTRACTING.—The term  
2           “best value contracting” means the contracting proc-  
3           ess described in section 15.101 of title 48, Code of  
4           Federal Regulations, which allows the inclusion of  
5           non-cost factors in the contract process.

6           (2) COMPREHENSIVE STRATEGY.—The term  
7           “Comprehensive Strategy” means the Comprehen-  
8           sive Strategy for a Collaborative Approach for Re-  
9           ducing Wildland Fire Risks to Communities and the  
10          Environment, dated May 2002, which was developed  
11          pursuant to the conference report to accompany the  
12          Department of the Interior and Related Agencies  
13          Appropriations Act, 2001 (House Report 106–646).

14          (3) FEDERAL LANDS.—Except as provided in  
15          subsection (c), the term “Federal lands” means—

16                 (A) National Forest System lands; and

17                 (B) public lands administered by the Sec-  
18          retary of the Interior acting through the Bu-  
19          reau of Land Management.

20          (4) GOODS FOR SERVICE CONTRACTING.—The  
21          term “goods for service contracting” means the con-  
22          tracting process described in section 347 of the De-  
23          partment of the Interior and Related Agencies Ap-  
24          propriations Act, 1999 (as contained in section

1 101(e) of division A of Public Law 105–277; 16  
2 U.S.C. 2104 note).

3 (5) HAZARDOUS FUELS REDUCTION  
4 PROJECT.—The term “hazardous fuels reduction  
5 project” means a project—

6 (A) undertaken for the purpose of reducing  
7 the amount of hazardous fuels resulting from  
8 alteration of a natural fire regime as a result  
9 of fire suppression or other activities; and

10 (B) accomplished through the use of pre-  
11 scribed burning or mechanical treatment, or  
12 combination thereof.

13 (6) INVENTORIED ROADLESS AREA.—The term  
14 “inventoried roadless area” means one of the areas  
15 identified in the set of inventoried roadless areas  
16 maps contained in the Forest Service Roadless  
17 Areas Conservation, Final Environmental Impact  
18 Statement, Volume 2, dated November 2000.

19 (7) LOCAL PREFERENCE CONTRACTING.—The  
20 term “local preference contracting” means the con-  
21 tracting process described in section 333 of the De-  
22 partment of the Interior and Related Agencies Ap-  
23 propriations Act, 2003 (division F of Public Law  
24 108–7; 117 Stat. 277), that gives preference to local  
25 businesses.

1           (8) MANAGEMENT UNIT.—The term “manage-  
2           ment unit”, with respect to Federal lands, means a  
3           unit of the National Forest System or a land man-  
4           agement district of the Bureau of Land Manage-  
5           ment

6           (9) MUNICIPAL WATER SUPPLY SYSTEM.—The  
7           term “municipal water supply” means reservoirs, ca-  
8           nals, ditches, flumes, laterals, pipes, pipelines, or  
9           other surface facilities and systems constructed or  
10          installed for the impoundment, storage, transpor-  
11          tation, or distribution of drinking water for a com-  
12          munity.

13          (10) SECRETARY CONCERNED.—The term  
14          “Secretary concerned” means—

15                (A) the Secretary of Agriculture (or the  
16                designee of the Secretary) with respect to Na-  
17                tional Forest System lands; and

18                (B) the Secretary of the Interior (or the  
19                designee of the Secretary) with respect to public  
20                lands administered by the Secretary through  
21                the Bureau of Land Management.

22          (11) WILDLAND-URBAN INTERFACE.—The term  
23          “wildland-urban interface” means a geographic area  
24          designated by the Secretary concerned as any area—

1 (A) defined on page 753 of volume 66 of  
2 the Federal Register, as published on January  
3 4, 2001;

4 (B) on which conditions are conducive to  
5 large-scale fire disturbance events; and

6 (C) for which a significant risk exists of a  
7 resulting spread of the fire disturbance event,  
8 after ignition, which would threaten human life  
9 and property.

10 (c) EXCLUDED FEDERAL LANDS.—This Act, includ-  
11 ing the expedited process described in section 5, does not  
12 apply to any Federal lands—

13 (1) included as a component of the National  
14 Wilderness Preservation System;

15 (2) where commercial logging is prohibited or  
16 restricted by Act of Congress, presidential proclama-  
17 tion, or agency determination;

18 (3) included in a wilderness study area; or

19 (4) included in an inventoried roadless area.

20 **SEC. 3. HAZARDOUS FUELS REDUCTION PROJECTS AU-**  
21 **THORIZED.**

22 (a) CONSISTENCY WITH IMPLEMENTATION PLAN.—  
23 The processes authorized or required by this Act shall be  
24 consistent with the implementation plan for the Com-

1 prehensive Strategy to reduce hazardous fuels on Federal  
2 lands.

3 (b) PRIORITY HAZARDOUS FUELS REDUCTION  
4 PROJECTS.—

5 (1) PROJECTS ON CERTAIN FEDERAL LANDS.—

6 In implementing hazardous fuels reduction projects  
7 under this Act, the Secretary concerned shall give  
8 priority to projects on the following Federal lands:

9 (A) Federal lands that are located in the  
10 wildland-urban interface within one-half mile of  
11 a community where fire regime I, fire regime  
12 II, or fire regime III exists and that are in con-  
13 dition class 2 or condition class 3.

14 (B) Federal lands where fire regime I, fire  
15 regime II, or fire regime III exists that are in  
16 condition class 3, or condition class 2 if the  
17 Federal lands are intermingled with condition  
18 class 3 lands, and that are located in such prox-  
19 imity to a municipal water supply system that  
20 a hazardous fuels reduction project should be  
21 carried out in order to reduce the risk of harm  
22 to such system or the quality of a municipal  
23 water supply resulting from an unusually severe  
24 wildfire.



1           (2) LIMITATION ON OTHER PROJECTS PENDING  
2           COMPLETION OF PRIORITY PROJECTS.—In any man-  
3           agement unit of the Federal lands in which Federal  
4           lands described in paragraph (1) are located, the  
5           Secretary concerned shall not carry out any haz-  
6           ardous fuels reduction project under this Act on any  
7           other lands in that management unit until the Sec-  
8           retary concerned completes treatment of all acreage  
9           in that management unit on Federal lands described  
10          in paragraph (1).

11          (c) COMPLIANCE WITH LAND MANAGEMENT  
12          PLANS.—A hazardous fuels reduction project planned and  
13          conducted under this Act must be consistent with the land  
14          and resource management plan, land use plan, and other  
15          agency plans and regulations applicable to the Federal  
16          lands covered by the project.

17          (d) PROJECT CONTRACTING.—To conduct a haz-  
18          ardous fuels reduction project under this Act, the Sec-  
19          retary concerned shall use local preference contracting and  
20          best value contracting. Payments under a contract entered  
21          into to implement a project under this Act shall only be  
22          made on a fee-for-service basis. The Secretary concerned  
23          shall not use goods-for-service contracting to implement  
24          a project under this Act.

1 (e) LIMITATIONS.—In conducting a hazardous fuels  
2 reduction project under this Act, the Secretary con-  
3 cerned—

4 (1) shall not construct new permanent or tem-  
5 porary roads;

6 (2) shall maintain all old and large trees and  
7 the structure, function, and composition of late-suc-  
8 cessional forest stands appropriate for each eco-  
9 system type, until the process required by section 6  
10 is complete and Congress formally adopts or rejects  
11 the recommendations by Act of Congress;

12 (3) shall focus on thinning from below when  
13 using mechanical treatment.

14 (f) ACREAGE LIMITATION.—Not more than  
15 20,000,000 acres of Federal land may be treated using  
16 the authorities provided by this Act.

17 (g) FUNDING PRIORITY.—Of funds expended for haz-  
18 ardous fuels reduction projects under this Act, at least 75  
19 percent shall be expended on projects in the wildland-  
20 urban interface within one-half mile of a community.

21 (h) MONITORING.—

22 (1) MONITORING REQUIRED.—The Secretary  
23 concerned shall establish a balanced multiparty mon-  
24 itoring process in order for Congress to assess a rep-

1       representative sampling of the hazardous fuels reduc-  
2       tion projects implemented under this Act.

3               (2) REPORT REQUIRED.—Not later than one  
4       year after the expiration of this Act, as provided in  
5       section 9, the Secretary concerned shall submit to  
6       Congress a report containing, at a minimum, the fol-  
7       lowing:

8               (A) An assessment of the cumulative ac-  
9       complishments or adverse impacts of the fuels  
10       reduction projects conducted under this Act.

11              (B) A description of the ecological effects  
12       of the projects conducted under this Act.

13              (C) A description of the economic viability,  
14       impacts, and costs of the projects conducted  
15       under this Act.

16   **SEC. 4. COLLABORATION AND PUBLIC INPUT PROCESS.**

17       (a) PROCESS REQUIRED.—

18              (1) DEVELOPMENT.—As a condition on the se-  
19       lection of hazardous fuels reduction projects under  
20       section 3, the Secretary of Agriculture and the Sec-  
21       retary of the Interior shall jointly develop a collabo-  
22       rative process with interested parties, consistent with  
23       the implementation plan for the Comprehensive  
24       Strategy. The collaborative process developed by the  
25       Secretaries may be the process set forth in title II

1 of the Secure Rural Schools and Community Self-  
2 Determination Act of 2000 (Public Law 106–393;  
3 16 U.S.C. 500 note).

4 (2) REQUIRED MAPS AND PUBLIC MEETINGS.—

5 As part of the process developed under subsection  
6 (a), the Secretaries shall—

7 (A) produce maps designating the condi-  
8 tion class of lands at the appropriate landscape  
9 scale;

10 (B) make such maps readily available for  
11 public inspection; and

12 (C) hold a public meeting to discuss condi-  
13 tion classification of lands by management unit  
14 and to identify priority areas for hazardous  
15 fuels reduction projects.

16 (b) PUBLIC NOTICE.—

17 (1) QUARTERLY NOTICE.—The Secretary con-  
18 cerned shall provide quarterly notice of each haz-  
19 ardous fuels reduction project proposed to be con-  
20 ducted using the expedited process described in sec-  
21 tion 5. The quarterly notice shall be provided in the  
22 Federal Register, in a local paper of record, and on  
23 an agency website. The Secretary concerned may  
24 combine this quarterly notice with other quarterly

1 notices otherwise issued regarding Federal land  
2 management.

3 (2) CONTENT.—The notice required by para-  
4 graph (1) shall include, at a minimum, the following  
5 information regarding each hazardous fuels reduc-  
6 tion project contained in the notice:

7 (A) Specific identification that the project  
8 is a hazardous fuels reduction project for which  
9 the expedited process described in section 5 will  
10 be used, including a clear statement whether  
11 the agency intends to use a categorical exclu-  
12 sion or to prepare an environmental assessment  
13 or environmental impact statement.

14 (B) A description of the project, including  
15 as much information on its geographic location  
16 as practicable.

17 (C) The approximate date on which  
18 scoping for the project will begin.

19 (D) Information regarding how interested  
20 members of the public can take part in the de-  
21 velopment of the project pursuant to the expe-  
22 dited process described in section 5.

23 (c) PUBLIC MEETING.—Following publication of each  
24 quarterly notice under subsection (b), but before the be-  
25 ginning of scoping for the project pursuant to the expe-

1 dited process described in section 5, the Secretary con-  
2 cerned shall conduct a public meeting at an appropriate  
3 location in each administrative unit of the Federal lands  
4 regarding those hazardous fuels reduction projects con-  
5 tained in the quarterly notice that are proposed to be con-  
6 ducted in that administrative unit. The Secretary con-  
7 cerned shall provide advance notice of the date and time  
8 of the meeting in the quarterly notice or using the same  
9 means described in subsection (b)(1).

10 (d) FINAL AGENCY ACTION.—The Secretary con-  
11 cerned shall provide notice in the local paper of record and  
12 on an agency website of any final agency action regarding  
13 a hazardous fuels reduction project for which the expe-  
14 dited process described in section 5 are used.

15 (e) PUBLIC PETITIONS FOR INCLUSION OR EXCLU-  
16 SION OF LANDS.—

17 (1) RIGHT TO PETITION.—An entity referred to  
18 in paragraph (4) may submit to the Secretary con-  
19 cerned a petition, with supporting evidence, that re-  
20 quests the inclusion or exclusion of an area of Fed-  
21 eral lands in subsection (a) with regard to condition  
22 class.

23 (2) EVALUATION.—The Secretary concerned  
24 shall respond to a petition under paragraph (1) by  
25 public notice of a public viewing of the area in ques-

1       tion, within 90 days of receipt the petition, with the  
2       petitioner and any other interested parties.

3           (3) RESPONSE.—The Secretary concerned shall  
4       accept or deny the petition within 180 days of its re-  
5       ceipt, based on the site evaluation under paragraph  
6       (2) and a specific review of the historical conditions,  
7       forest type, and present fuel loads of the Federal  
8       lands covered by the petition.

9           (4) AUTHORIZED PETITIONERS.—A petition  
10      under paragraph (1) may be submitted by any of the  
11      following:

12           (A) A political subdivision of a State.

13           (B) A federally formed resource advisory  
14      council or provincial advisory committee.

15           (C) A resource advisory committee estab-  
16      lished under section 205 of the Secure Rural  
17      Schools and Community Self-Determination Act  
18      of 2000 (Public Law 106–393; 16 U.S.C. 500  
19      note).

20   **SEC. 5. EXPEDITED PLANNING AND IMPLEMENTATION**  
21           **PROCESS.**

22           (a) SCOPING.—The Secretary concerned shall con-  
23      duct scoping with respect to each hazardous fuels reduc-  
24      tion project for which the expedited process established by  
25      this section are to be used.

1 (b) CATEGORICAL EXCLUSIONS.—

2 (1) PRESUMPTION NEAR COMMUNITIES.—If a  
3 hazardous fuels reduction project covered by section  
4 3, for which the collaborative and public input proc-  
5 ess required by section 4 is used, covers Federal  
6 lands located in the wildland-urban interface within  
7 one-half mile of a community, the project is deemed  
8 to be categorically excluded from further analysis  
9 under the National Environmental Policy Act of  
10 1969 (42 U.S.C. 4331 et seq.). The Secretary con-  
11 cerned need not make any findings as to whether the  
12 project, either individually or cumulatively, has a  
13 significant effect on the environment. However, with-  
14 in the one-half mile zone surrounding a community,  
15 the Secretary concerned shall vary the treatments  
16 used to achieve heterogeneity of forest conditions  
17 and to ensure forest health.

18 (2) EXTRAORDINARY CIRCUMSTANCES EXCEP-  
19 TION.—Paragraph (1) shall not apply to Federal  
20 lands located in the wildland-urban interface within  
21 one-half mile of a community if extraordinary cir-  
22 cumstances exist with respect to the lands.

23 (3) EXTRAORDINARY CIRCUMSTANCES.—In the  
24 case of a hazardous fuels reduction project for which  
25 a categorical exclusion applies under paragraph (1),



1 if extraordinary circumstances exist with respect to  
2 the project, the Secretary concerned shall follow  
3 agency procedures (as contained in CEQ regulation  
4 1508.4, Forest Service Handbook 1909.15, chapters  
5 30–33, as of August 22, 2002, and Bureau of Land  
6 Management Handbook H–1790–1, 516 DM 2.1–  
7 2.10) related to categorical exclusions and extraor-  
8 dinary circumstances.

9 (4) APPEALS.—Hazardous fuels reduction  
10 projects implemented using a categorical exclusion  
11 under paragraph (1) are not subject to appeal re-  
12 quirements imposed by section 322 of the Depart-  
13 ment of the Interior and Related Agencies Appro-  
14 priations Act, 1993 (Public Law 102–381; 16  
15 U.S.C. 1612 note), or the Department of the Inte-  
16 rior Office of Hearings and Appeals.

17 (c) ENVIRONMENTAL ASSESSMENTS.—

18 (1) IN GENERAL.—With respect to priority  
19 lands identified in section 3(b), if a categorical ex-  
20 clusion does not apply under subsection (b) to a haz-  
21 ardous fuels reduction project under section 3 for  
22 the lands, the Secretary concerned shall determine,  
23 consistent with the National Environmental Policy  
24 Act of 1969, whether an environmental assessment

1 will be sufficient to meet the requirements for the  
2 project under such Act.

3 (2) CONTENT.—An environmental assessment  
4 prepared for a hazardous fuels reduction project  
5 under section 3 shall—

6 (A) be concise, if possible not more than  
7 10–15 pages;

8 (B) describe sufficient information and  
9 analyses for determining whether to prepare an  
10 environmental impact statement or a finding of  
11 no significant impact;

12 (C) state the need for the proposed action;

13 (D) describe alternative actions, as re-  
14 quired by section 102(2)(E) of the National  
15 Environmental Policy Act of 1969;

16 (E) briefly describe the environmental im-  
17 pacts of the proposed action and alternatives;

18 (F) list the agencies and persons con-  
19 sulted, as required by section 1508.9 of title 40,  
20 Code of Federal Regulations, with respect to  
21 National Forest System lands;

22 (G) reference supporting data, inventories  
23 and other documents on which the Secretary  
24 concerned relied to make the decision; and

1 (H) involve interested agencies and the  
2 public in the preparation of the environmental  
3 assessment.

4 (3) AVAILABILITY OF DECISION DOCUMENT.—  
5 When the decision document is complete for a haz-  
6 ardous fuels reduction project under section 3 for  
7 which an environmental assessment or categorical  
8 exclusion memo is prepared, the Secretary concerned  
9 shall—

10 (A) provide notice of the decision docu-  
11 ment in the Federal Register, the local paper of  
12 record, and an agency website, including notice  
13 stating how the documentation listed in sub-  
14 paragraph (B) will be available; and

15 (B) make the environmental analysis docu-  
16 ment, administrative record, and decision docu-  
17 ment or memo for the project, pursuant to sec-  
18 tion 215.2 of title 36, Code of Federal Regula-  
19 tions, readily available for public review.

20 (4) APPEALS.—Notwithstanding the appeal re-  
21 quirements imposed by section 322 of the Depart-  
22 ment of the Interior and Related Agencies Appro-  
23 priations Act, 1993 (Public Law 102–381; 16  
24 U.S.C. 1612 note), or the Department of the Inte-  
25 rior Office of Hearings and Appeals—

1 (A) persons must file any administrative  
2 appeal of a project under this subsection within  
3 30 days after the date of issuance of the deci-  
4 sion document for the project;

5 (B) the Secretary concerned shall resolve  
6 any appeal not later than 20 days after the  
7 closing date for filing an appeal; and

8 (C) the Secretary concerned shall stay im-  
9 plementation of the project until the end of the  
10 15-day period beginning on date on which the  
11 Secretary concerned resolves any administrative  
12 appeal that complies with the requirements in  
13 subsection (d).

14 (d) ADDITIONAL LIMITATION ON ADMINISTRATIVE  
15 APPEALS.—Notwithstanding section 322 of the Depart-  
16 ment of the Interior and Related Agencies Appropriations  
17 Act, 1993 (Public Law 102–381; 16 U.S.C. 1612 note),  
18 if a draft document prepared pursuant to the National  
19 Environmental Policy Act of 1969 for a hazardous fuels  
20 reduction project covered by section 3 was available for  
21 public comment, the Secretary of Agriculture may require  
22 that a person filing an administrative appeal with respect  
23 to the project must have been involved in the public com-  
24 ment process for the project by submitting written com-  
25 ments raising specific issues with regard to the project.

1 (e) STATEMENT OF COMPLIANCE.—A catagorical ex-  
 2 clusion memo or environmental assessment decision docu-  
 3 ment prepared under this section shall include a short  
 4 statement as to how the hazardous fuels reduction project  
 5 complies with the requirement of section 3(c).

6 **SEC. 6. DEVELOPMENT OF DEFINITIONS OF OLD AND**  
 7 **LARGE TREES.**

8 (a) USE OF NATIONAL ACADEMY OF SCIENCES.—  
 9 The Secretary of Agriculture and the Secretary of the In-  
 10 terior shall jointly enter into a contract with the National  
 11 Academy of Sciences for the preparation of recommended  
 12 definitions of old and large trees appropriate for each eco-  
 13 system type to be used for purposes of this Act.

14 (b) QUALIFICATIONS.—To be eligible to serve on the  
 15 panel of the National Academy of Sciences used to prepare  
 16 the recommended definitions of old and large trees, a  
 17 member of the panel shall have scientific expertise in the  
 18 characteristics of old growth and the seral stages of forest  
 19 types.

20 (c) SUBMISSION OF RECOMMENDED DEFINITIONS.—  
 21 Not later than one year after the date of the enactment  
 22 of this Act, the National Academy of Sciences shall submit  
 23 to the Secretary of Agriculture, the Secretary of the Inte-  
 24 rior, and Congress the recommended definitions of old and  
 25 large trees appropriate for each ecosystem type.

1 **SEC. 7. ONGOING PROJECTS AND EXISTING AUTHORITIES.**

2       Nothing in this Act shall affect a hazardous fuels re-  
3 duction projects for which scoping has begun before the  
4 date of the enactment of this Act or affect authorities oth-  
5 erwise granted to the Secretary concerned under existing  
6 law.

7 **SEC. 8. PREFERENCE TO COMMUNITIES WITH FIRE PRE-**  
8 **VENTION ORDINANCES.**

9       In determining the allocation of funding for the Com-  
10 munity and Private Land Fire Assistance program under  
11 section 10A(b) of the Cooperative Forestry Assistance Act  
12 of 1978 (16 U.S.C 2106c(b)), the Secretary of Agriculture  
13 shall prioritize funding to those communities that have  
14 taken proactive steps through the enactment of ordinances  
15 and other means to encourage property owners to reduce  
16 fire risk on private property.

17 **SEC. 9. SUNSET.**

18       The provisions of this Act shall expire at the end of  
19 the five-year period beginning on the date of the enact-  
20 ment of this Act, except that a hazardous fuels reduction  
21 project for which a decision notice, or memo in the case  
22 of a categorical exclusion, has been issued before the end  
23 of such period may continue to be implemented using the  
24 provisions of this Act.

1 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) NATIONAL FOREST SYSTEM LANDS.—For the  
3 purpose of planning and conducting hazardous fuels re-  
4 duction projects under this Act on National Forest System  
5 Lands, there are authorized to be appropriated to the Sec-  
6 retary of Agriculture \$1,943,100,000 during the five-fiscal  
7 year period beginning October 1, 2003. Subject to section  
8 9, amounts appropriated in one fiscal year and unobli-  
9 gated before the end of that fiscal year shall remain avail-  
10 able for use in subsequent fiscal years.

11 (b) BLM LANDS.—For the purpose of planning and  
12 conducting hazardous fuels reduction projects under this  
13 Act on Federal lands described in section 2(b)(2)(B),  
14 there are authorized to be appropriated to the Secretary  
15 of the Interior \$1,888,000,000 during the five-fiscal year  
16 period beginning October 1, 2003. Subject to section 9,  
17 amounts appropriated in one fiscal year and unobligated  
18 before the end of that fiscal year shall remain available  
19 for use in subsequent fiscal years.

20 **SEC. 11. AVAILABILITY AND USE OF REFORESTATION**  
21 **TRUST FUND.**

22 (a) WAIVER OF LIMITATION ON TRANSFERS.—Dur-  
23 ing fiscal years 2004 through 2008, the limitation in sub-  
24 section (b)(2) of section 303 of Public Law 96–451 (16  
25 U.S.C. 1606a) shall not apply.

1 (b) CONSULTATION.—During fiscal years 2004  
2 through 2008, the consultation required by subsection  
3 (c)(1) of section 303 of Public Law 96–451 shall include  
4 consultation with the Secretary of the Interior.

5 (c) EXPANSION OF OBLIGATION REQUIREMENTS.—  
6 During fiscal years 2004 through 2008, the Secretary of  
7 the Interior, in addition to the Secretary of Agriculture,  
8 shall obligate funds in the Reforestation Trust Fund es-  
9 tablished by section 303 of Public Law 96–451 on Federal  
10 lands, but the authority otherwise provided by subsection  
11 (d)(1) of such section to obligate such funds to reduce haz-  
12 ardous fuel loads of forest stands shall not be used except  
13 as provided in subsection (d)(2) of this section.

14 (d) OBLIGATION REQUIREMENTS AND AMOUNTS.—

15 (1) REDUCTION IN RISK OF WILDFIRE TO  
16 STRUCTURES.—During fiscal years 2004 through  
17 2008, the Secretary of Agriculture and the Secretary  
18 of the Interior shall jointly obligate \$100,000,000  
19 each fiscal year of funds in the Restoration Trust  
20 Fund to reduce the risk of wildfire to structures on  
21 tribal lands, nonindustrial private lands, and State  
22 lands using the authorities available under the  
23 Emergency Watershed Protection program, the Na-  
24 tional Fire Plan, and grant programs authorized by  
25 the Farm Security and Rural Investment Act of



1       2002 and other laws. As part of the Emergency Wa-  
2       tershed Protection program, the Secretary of Agri-  
3       culture, acting through the Natural Resources Con-  
4       serva- tion Service, may undertake measures, includ-  
5       ing making cost-share grants to Indian tribes, local  
6       fire districts, municipalities, homeowner associations,  
7       and counties, to prevent destruction from wildfires  
8       by treating vegetation within the defensible space of  
9       homes and other structures.

10           (2)       HAZARDOUS       FUELS       REDUCTION  
11       PROJECTS.—During fiscal years 2004 through 2008,  
12       amounts remaining in the Reforestation Trust Fund  
13       after application of subsection (d) of section 303 of  
14       Public Law 96–451 and paragraph (1) of this sub-  
15       section shall be used for hazardous fuels reduction  
16       projects conducted under this Act.

17       (e) RETENTION OF REVENUE.—During fiscal years  
18       2004 through 2008, the Secretary of Agriculture and the  
19       Secretary of the Interior may sell commercial vegetation  
20       produced as a result of hazardous fuels reduction projects  
21       under this Act. Revenue from the sale of such vegetation  
22       shall be deposited in the Reforestation Trust Fund, and  
23       may only be used for hazardous fuels reduction projects  
24       described in section 5(b)(1).

1       (f) TRANSFERS TO REFORESTATION TRUST FUND.—  
2 During fiscal years 2004 through 2008, in lieu of the  
3 transfers required by subsection (b)(1) of section 303 of  
4 Public Law 96–451, the Secretary of the Treasury may  
5 transfer to the Reforestation Trust Fund an amount equal  
6 to the sum of the tariffs received in the Treasury under  
7 chapter 44 and subheadings 6808.00.00 and 6809.11.00  
8 of chapter 68 of the Harmonized Tariff Schedule of the  
9 United States. Subsection (b)(2) of such section, which  
10 limits the total amount that may be transferred for a fiscal  
11 year, shall not apply to transfers made under this sub-  
12 section.

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